

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NUMBER: 10-20123

HONORABLE VICTORIA A. ROBERTS

v.

DAVID BRIAN STONE, ET AL,

Defendant.

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**ORDER REQUIRING GOVERNMENT TO COMPLY  
WITH FED. R. CRIM. P. 16(a)(1)(G) WITH RESPECT TO  
ALL REMAINING EXPERT WITNESSES**

On January 5, 2012 Defendant David Brian Stone filed a Motion for *Daubert* Hearing Prior to Trial and to Preclude Government “Expert” Witnesses and/or Limit Their Cumulative Testimony. (Doc. # 533).

Defendants say, among other things, the Government’s November 30, 2011 notice fails to provide adequate summaries of their expert witnesses’ proposed testimony as required by Fed. R. Crim. P. 16(a)(1)(G). This argument has merit. As noted in the Court’s January 13, 2012 Order requiring the Government to comply with this Rule with respect to proposed “Academic Expert” Professor Michael Barkun (Doc. # 581), the Government must give Defendants and the Court a written summary of any testimony it intends to use under Fed. R. Evid. 702. Fed. R. Crim. P. 16(a)(1)(G). Again, the Government must provide summaries not of the topics the experts will opine on, but of their actual testimony. The summaries must describe the witnesses’ opinions,

the bases and reasons for those opinions, and their qualifications. *Id.*

The Government must provide to Defendants a summary of its experts' proposed testimony no later than **Friday, January 20, 2012 at noon** or risk exclusion of the testimony under Fed. R. Crim. P. 16(d)(2)(C).

**IT IS ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: January 18, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on January 18, 2012.

S/Linda Vertriest  
Deputy Clerk